

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NATHANIEL GREEN,

Plaintiff,

No. 9:10-CV-121

-v-

SGT. PATAK; and LAWRENCE KANALY,
Security Captain,

Defendants.

APPEARANCES:

NATHANIEL GREEN
Plaintiff pro se
1365 St. Nicholas Ave.
Apt. 25K
New York, NY 10033

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

C. HARRIS DAGUE, ESQ.
Ass't Attorney General

DECISION and ORDER

Pro se plaintiff Nathaniel Green brought this action pursuant to 42 U.S.C. § 1983. On August 28, 2013, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that defendants' second motion for summary judgment be granted and plaintiff's second amended complaint be dismissed. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

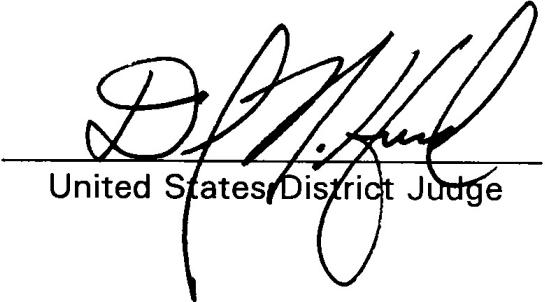
Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED; and
2. Plaintiff's second amended complaint is DISMISSED in its entirety.

The Clerk is directed to file a judgment and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: November 6, 2013
Utica, New York.